

### **REMARKS**

Claims 1-5, 7-10, 21, 23 and 25-27 are the claims presently pending in the application. Claims 1, 22 and 23 have been amended to more particularly define the invention. Claims 6, 11-17, 22, 24 and 30 have been canceled.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-5, 7-10 and 21 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. However, Applicant notes that independent claim 1 has been amended to recite "*a **processing device** for determining said smart distance between said plurality of artifacts according to a predetermined algorithm*", and claim 21 has been amended to recite "*calculating a smart distance between said plurality of artifacts **using a processing device***", similarly to canceled claim 11 which the Examiner indicated was directed to statutory subject matter (Office Action at page 2). Therefore, Applicant respectfully submits that claims 1-5, 7-10 and 21 are clearly directed to statutory subject matter, and the Examiner is respectfully requested to withdraw this rejection.

Applicant gratefully acknowledges the Examiner's indication that claims 6, 22 and 24 would be allowable if the rejection under 35 U.S.C. §101 is adequately addressed, and if the claims are rewritten in independent form. As noted above, claims 1 and 21 have been amended to address the Examiner's concerns regarding 35 U.S.C. §101. In addition, claims 1, 21 and 23 have been amended to include the features of allowable claims 6, 22 and 24, respectively. Further, claims 6, 11-17, 22, 24 and 30 have been canceled. Therefore, all of the remaining dependent claims depend directly or indirectly from claims 1 or 23. Therefore, all of the claims are in condition for immediate allowance.

In view of the foregoing, Applicant submits that claims 1 and 32-40, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,



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